

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Competitive Post Office Box)
Service Enhancements)

Docket No. MC2012-26

PUBLIC REPRESENTATIVE RESPONSE TO UNITED STATES POSTAL SERVICE
OPPOSITION TO MR. DAVID B. POPKIN'S REQUEST FOR A
PRESIDING OFFICER INFORMATION REQUEST

(July 26, 2012)

The Public Representative is compelled to file this response to the Postal Service's Opposition to Mr. Popkin's Motion for an Information Request to correct a misrepresentation of the Commission's rules.¹

The Postal Service repeatedly asserts that under the Commission's rules it is inappropriate for a party to file a motion requesting that the Commission issue an information request.² In fact, the Postal Service directly states that "had the Commission intended for participants in mail classification dockets to propose questions to the Commission, it could have clearly done so." *Id.*

¹ At the outset, the Public Representative reminds the Commission that the Public Representative's position is that Commission Information Requests are not the appropriate mechanism to resolve the issue raised in this docket. See Public Representative Comments, July 26, 2012 at 9-10.

² Opposition of the United States Postal Service to Mr. David B. Popkin's Request for a Presiding Officer's Information Request, July 24, 2012 at 3-4 (Opposition).

The Public Representative directs the Commission's attention to 39 CFR 3007.3(c). That section clearly states that "[a]ny person may request that the Commission issue a data or information request by filing a motion with the Commission, pursuant to §3001.21 of this chapter...." 39 CFR 3007.3(c). Thus, it appears that motions requesting that information requests be issued are appropriate and that the Postal Service's Opposition misrepresents the Commission's rules.

Respectfully Submitted,

/s/ Robert Sidman

Robert Sidman

Public Representative for
Docket No. MC2012-26

901 New York Avenue, N.W., Suite 200
Washington, DC 20268-0001
(202) 789-6827; Fax (202) 789-6891
e-mail: robert.sidman@prc.gov